

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action dated February 23, 2006 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due.

Claims 1-4, 31, and 37-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundar et al. in views of Ibe et al. (US 2004/0087307), Fors et al. (US 2004/0203788), and Ozluturk et al. (US 6,122,511). Claims 6 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundar et al. in views of Ibe et al., Fors et al., Ozluturk et al., and Chaskar et al., and further in view of Pan et al. (US 2004/0192294 A1). Claims 7-9, 11, 12, 32, 43-45, 47, and 48 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Sundar et al. in view of Ibe et al., and Ozluturk et al. Claims 13, 14, 48 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fors et al. in view of Ozluturk et al. Claims 20, 21, 22, 23, 33, 35, 36, and 56-59 were rejected under 35 U.S.C. § 103(a) over Sundar et al. in view of Ozluturk et al. Claims 24, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundar in view of Khartabil et al (US 2004/0249891 A1). Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundar et al. in view of Khartabil et al., and further in view of Ibe et al. Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundar et al. in views of Khartabil et al., Ibe et al. and, further in view of Chaskar et al (US 2004/0090937). Claims 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundar et al. in views of Khartabil et al., Ibe et al., Chaskar et al., Fors et al., and Roach Jr. (US Pat. No. 5,845,211) . Claims 15-18, 34, and 51-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundar in view of Chaskar et al. and Ozluturk et al. Claims 19 and 55 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over Sundar et al. in view of Chaskar et al. and Ozluturk et. al., and further in view of Pan et al.

Independent Claims 1, 7, 13, 15, 20, 22, 24, 37, 43, 49, 51, and 58 have each been amended by Applicants to further emphasize certain aspects of the invention. The amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced through the amendments.

Applicants' Invention

At this juncture, it may be helpful to reiterate certain aspects of Applicants' invention. One embodiment of the invention, exemplified by amended Claim 1, is a method of roaming between a cellular network and a wireless network. The method can include receiving an invitation over the wireless network, wherein the invitation is sent from a mobile communications device engaged in a cellular call over a cellular voice channel, and authenticating the mobile communications device over the wireless network.

The method also can include sending an acknowledgement of the invitation to the mobile communications device over the wireless network, and comparing the strength of detected signals from both the cellular network and wireless network. In response, a handoff can be initiated in which the established cellular call is switched from the cellular network to the wireless network. More specifically, the handoff can be effected by the mobile communications device determining, based upon the comparison, to effect the handoff and operating to attenuate a signal transmitted from the mobile communications device to the cellular network, thus causing the cellular network to effect the handoff. (See, e.g., Specification, paragraph [0034], lines 1-11, and paragraph [0041], lines 3-11.)

The Claims Define Over The Prior Art

A feature common to each of the various independent claims is that a mobile communications device, according to the invention, is configured to effect handoffs between cellular and wireless networks by reducing or attenuating a transmitted signal. The mobile communication device does not require a signal from a mobile base station or other source instructing the device to initiate or effect a handoff by attenuating a transmitted signal. Rather, the device is configured to act on its own.

At pages 2-3 of the Office Action, it is stated that the "causing the mobile communication device to attenuated signals [and] thereby causing [a] cellular network to effect handoff" is known, as evidenced by the newly-cited reference, Ozluturk. The portions of the reference cited in the Office Action provide as follows:

"The mobile subscriber unit 25 establishes a link to the cell base station that requires the minimum transmit power from the mobile subscriber unit 25 to maintain a communication link. The mobile subscriber unit 25 sends a long access pilot (step 125) to the chosen candidate cell base station including an instruction that is further conveyed to a radio distribution unit. The radio distribution unit keeps record of which base station each mobile subscriber unit is currently associated with. The radio distribution unit routes the communication link from a land line to the appropriate cell base station transceiver as the mobile user negotiates through the various cells. The message sent indicates a handoff.

"For this brief moment, the mobile subscriber unit 25 is still linked to the current cell base station transceiver (step 127). The communication link to the original cell base station transceiver controls the transmit power

of the mobile subscriber unit 25. However, the candidate cell base station transceiver is also sending power control commands. The power control commands from the candidate cell base station transceiver lower the transmitting power of the mobile subscriber unit 25 in dependence upon the candidate communication link. The mobile subscriber unit 25 abandons (step 129) the first communication link to the current cell base station transceiver and resumes power control and communication from formerly the candidate, now the sole link to a cell base station transceiver (step 131)." (Col. 5, line 49 – Col. 6, line 7.) (Emphasis Supplied.)

Applicants initially note that Ozluturk, as explicitly described, does not teach or suggest handoffs between cellular networks and wireless networks. Rather, Ozluturk is directed to effecting a "seamless handoff" from one base station of a cellular network to another base station. Nowhere does Ozluturk even allude to the unique challenges in handing off a call from one type of network to another type of network, as with Applicants' invention.

The distinction is not a minor one, and at least partly, it explains a fundamental difference between the conventional techniques exemplified by Ozluturk and Applicants' invention. Ozluturk requires two base stations both of the same type, namely, cellular base stations. One of the cellular base stations is the current base station with which a mobile communications device is in communication. The other cellular base station is the "candidate" base station to which the call is to be handed off.

As explicitly described in Ozluturk, the handoff is directed by the two cellular base stations acting in concert with one another. IT follows, of course, that during the entire process, the mobile device, remains within the cellular network. Indeed, at least for a part

of the time, the mobile device remains in communication with both the current base station and the candidate base station.

In Ozluturk, the mobile unit acts under the direction of command signals received from the respective base stations. The mobile unit in Ozluturk, contrary to Applicants' invention, does not operate on its own. It operates under the direction of the cellular base stations. As explicitly stated in Ozluturk, the mobile device attenuates its transmitting power when commanded to do so by a power control command received from the candidate base station.

It follows that Ozluturk is fundamentally different in at least two respects. Firstly, the mobile device in Ozluturk does not initiate the handoff based on a pre-determined condition recognized *within* the mobile device. And secondly, the mobile device in Ozluturk does not operate on its own, but rather under the direction of the candidate base station.

Accordingly, none of the various combinations of references cited teach or suggest every feature recited in each of the independent claims. Applicants respectfully submit, therefore, that each of the independent claims as well as the claims depending from them define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: September 5, 2006

A handwritten signature in cursive script, reading "Richard A. Hinson". The signature is written in dark ink and is positioned above a horizontal line.

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